MADRAS REGULATION No. I OF 1940.

[THE MADRAS (PARTIALLY EXCLUDED AREAS) VILLAGE COURTS REGULATION, 1940.]

[*5th March 1940*]

A Regulation to extend the provisions of the Madras Village Courts Act, 1888, with certain modifications to the partially excluded areas in the Province of Madras.

Madras Act I of 1889.

WHEREAS it is expedient to extend the provisions of the Madras Village Courts Act, 1888, with certain modifications to the partially excluded areas in the Province of Madras; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Regulation may be called the Madras (Partially Excluded Areas) Village Courts Regulation, 1940.

(2) It extends to the whole of the [1][Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts].

(3) (*a*) This section shall come into force in the whole of the [1][Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts] at once.

(*b*) The rest of this Regulation shall come into force—

(i) in the [2][Scheduled Areas] in the Golugonda taluk of the [3][Visakhapatnam] district at once; and

(ii) [4][in any other Scheduled Area in the said districts] on such date as the [5][State] Government may, by notification in the Official Gazette, appoint.

(4) The [6][State] Government may, by notification in the Official Gazette from time to time, withdraw any village or area from the operation of this Regulation and cancel such notification.

Procedure for suits and decrees pending in area withdrawn from Regulation.

2. When any village or area is withdrawn from the operation of this Regulation, all suits pending in a village court therein shall be heard and determined, and all decrees passed by such court and remaining unexecuted shall be executed by the civil court which, if the suit were about to be instituted, would have jurisdiction to try it.

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[1] This word was substituted for the word "Provincial" by *ibid.*

[2] These words were substituted for the words "partially excluded areas" by the Adaptation (Amendment) Order of 1950.

[3] This word was substituted for the word "Vizagapatam" by *ibid.*

[4] These words were substituted for the words "in any other local area in the partially excluded areas in the Province of Madras" by *ibid.*

[5] These words were substituted for the words "partially excluded areas" in the Province of "Madras" by the Adaptation (Amendment) Order of 1950.

[6] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

Such suits shall be tried and such decrees shall be executed as suits instituted in, and decrees passed by, such civil court.

Extension of sections 5 to 78 of Madras Act I of 1889 to the Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts with certain modifications.

3. Sections 5 to 78 of the Madras Village Courts Act, 1888 (hereinafter referred to as the said Act), shall apply to the [1][Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts], subject to the following modifications, namely :—

(i) in section 5 of the said Act—

(*a*) for the definition of " Village " the following definition shall be substituted, namely :—

" ' Village ' means in a permanently settled estate a local area for which a village court has been established under this Act ; and elsewhere a local area recognized by the [2][State] Government from time to time as a village for purposes of collecting the land revenue " ; and

Madras Act I of 1889.

(*b*) for the definition of " District Munsif " the following definition shall be substituted, namely :—

" ' District Munsif ' means the Agency Munsif within the local limits of whose jurisdiction the village is situated :

Provided that if the village is not situated within the local limits of the jurisdiction of any Agency Munsif the District Judge shall be deemed to be the District Munsif " ;

(ii) for section 8 of the said Act, the following section shall be substituted, namely :—

" 8. The Collector of the district may suspend or remove a village munsif or a member of a panchayat court for incapacity, neglect of duty, misconduct or other just and sufficient cause.

From every order of suspension or removal an appeal may be made within three months to the Board of Revenue. The decision of the Board of Revenue on all such appeals shall be final " ; and

(iii) in section 20 of the said Act, for the words and figures " Indian Limitation Act, 1877 " the words and figures, " Indian Limitation Act, 1908 " shall be substituted.

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[1]These words were substituted for the words " partially Excluded areas in the Province of Madras " by the Adaptation (Amendment) Order of 1950.

[2]This word was substituted for the word " Provincial " by the Adaptation Order of 1950.